

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA,  
NORTHERN DIVISION**

**HAZEL M. ROBY, as Administratrix of** )  
**the Estate of RONALD TYRONE** )  
**ROBY, Deceased,** )

**Plaintiff,**

**V.**

**BENTON EXPRESS, INC., et al,**

**Defendants.**

**CIVIL ACTION NO.: 2:05CV494-MHT**

**MOTION TO CONTINUE**

COMES NOW counsel for Defendant Benton Express and moves this Court for a continuance of this case from its present trial setting of June 26, 2006. As grounds for said motion, the Defendant shows as follows:

1. On or before September 19, 2005, undersigned counsel for Defendant Benton Express booked a vacation to Europe for his wedding anniversary. The vacation is scheduled for June 19, 2006, until and including June 28, 2006. A copy of the airline tickets for the trip is attached hereto as "Exhibit 1." The tickets show that they were issued at the Delta ticket counter at the Birmingham Airport on September 19, 2005, after having been booked a few weeks earlier.

2. Because these tickets were purchased with frequent flier mileage accumulated by undersigned counsel for nearly a decade, they are not refundable. According to Delta Airlines' website, the replacement cost for similar tickets is \$6,780.10. A copy of a printout from the Delta website for a similar itinerary is attached hereto as "Exhibit 2." There are a number of other expenses associated with the trip, including hotel reservations, tours, and ground transportation. Counsel for Defendant believes most of those items are refundable.

although there would be some expense associated with rescheduling as well as a great deal of time required to make new plans.

3. Defense counsel does not wish to further delay resolution of this case. Thus, the Defendant is amenable to the case being set for trial at any time before the June 26 setting that does not conflict with the aforementioned vacation.

WHEREFORE, PREMISES CONSIDERED, the Defendant Benton Express respectfully requests the Court continue this case from its present trial setting of June 26, 2006.

Respectfully submitted,

s/ Brett A. Ross  
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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following on this the 8th day of March, 2006:

Jere L. Beasley  
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s/ Brett A. Ross  
Of Counsel